

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN R., <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	
v.)	
)	
JIM JUSTICE, in his official capacity as)	Case No. 3:19-cv-00710
Governor of West Virginia, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**MEMORANDUM IN SUPPORT OF
DEFENDANTS’ MOTION FOR LEAVE TO FILE UNDER SEAL**

Pursuant to Local Rules 5.2.1 and 26.4(b), and the Protective Order entered in this case, ECF No. 78, Defendants move for leave to file under seal all of the supporting exhibits to Defendants’ Motion to Disqualify Next Friends.

The supporting Exhibits include personal identifying and confidential information related to abuse and neglect proceedings, protected under W. Va. Code §§ 49-5-101 and 49-5-103. *See also State ex rel. Garden State Newspapers, Inc. v. Hoke*, 520 S.E.2d 186, 193 (W. Va. 1999) (“This state generally protects the confidentiality of juveniles by mandating that judicial proceedings and court records concerning juveniles are closed to the public.”). This information is also subject to the provisions of the Protective Order entered by Magistrate Judge Eifert on April 3, 2020. ECF No. 78.

Defendants seek to file these documents under seal to protect the privacy and confidentiality of the adopted children and their adoptive families.

Sealing these documents is necessary because redaction is impractical. The children’s identity, is directly relevant to establishing and supporting Defendants’ grounds for moving to disqualify their respective Next Friends, and thus attempting to redact such information in these

Exhibits would obscure relevant information from the Court's view. While the Court will need to be able to review these records containing information related to adoption proceedings, Defendants seek to continue to protect the confidentiality of this information to the maximum extent possible, and comply with their obligations under state law.

Defendants request that these documents remain under seal for the duration of the above captioned litigation.

Respectfully submitted,

August 14, 2023

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CERTIFICATE OF SERVICE

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of Defendants' Memorandum in Support of Defendants' Motion for Leave to File Under Seal to be delivered to the following via ECF notification:

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